

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Synopsys, Inc.,

NO. C 03-02289 JW

NO. C 03-04669 JW

Plaintiff,

v.

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

Ricoh Company, Ltd.,

Defendant

Ricoh Company, Ltd.,

Third-Party Plaintiff,

v.

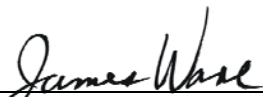
Aeroflex Inc., et al.,

Third-Party Defendants.

On April 7, 2008, the Court conducted a case management conference. Counsel for the respective parties were present. At the case management conference, the parties represented that U.S. Patent No. 4,922,432 (the “‘432 Patent”), the key patent at issue in these related cases, remains in reexamination at the United States Patent and Trademark Office (“PTO”). According to the parties, a second, but non-final, office action issued by the examiner has canceled all of the ‘432 Patent’s claims. However, given the age of these cases, and the fact that they were recently reassigned, the Court has determined that there is significant work that may be accomplished despite the pending reexamination. Therefore, the Court VACATES the order staying these related cases and ORDERS as follows:

- (1) The parties shall file cross-motions regarding: (a) whether the Court should adopt the claim construction reached by the previously assigned district judge; (b) whether the Court should reconsider any part of that construction; and (c) whether there are any words or phrases that remain to be construed. In light of the parties' representation that the final office action should be issued by the PTO within the next four to six months, the Court sets a hearing on the parties' cross-motions for **September 26, 2008 at 9 a.m.** The parties shall noticed their cross-motions in accordance with the Civil Local Rules of Court.
- (2) Following the hearing on the cross-motions, the Court will hold a further Case Management Conference to discuss a schedule for the case. The parties shall file a Joint Case Management Statement updating the Court on the status of the reexamination on or before **September 16, 2008.**
- (3) Based on the discussion with the parties, the Court finds that these related cases should be consolidated into one action. Since Case No. 03-2289 JW is the earlier filed action, it shall be the lead case. All future filings shall be filed in Case No. 03-2289, and to avoid confusion, shall bear the caption: *In Re Ricoh Company Ltd. Patent Litigation*. In light of the consolidation, the Clerk shall administratively close Case No. 03-4669 JW.

Dated: April 16, 2008



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: April 16, 2008

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**